



WEB COPY

CRL MP(MD) N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the First day of December Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14879 of 2022

in

CRL.R.C. (MD) No.1185 of 2022

VASUGI

... PETITIONER/PETITIONER

Vs

M.SIVA GANESAN

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the Petitioner vide judgment in STC.No.1969/2012 on the file of Judicial Magistrate No.VI, Tiruchirappalli dated.26.10.2017 which is confirmed in Crl.A.No.110/2017 on the file of the Learned II Additional District and Sessions Court, Tiruchirappalli, dated 10.08.2022 pending disposal of the above Criminal Revision Petition.

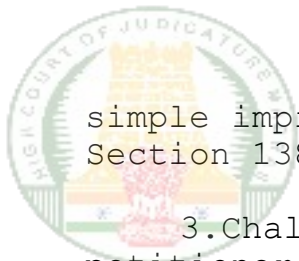
PRAYER in CRL.R.C. (MD) No.1185 of 2022 :

Pleased to call for the records relating to the order of conviction in S.T.C.No.1969 of 2012 on the file of Judicial Magistrate No.VI, Tiruchirappalli dated 26.10.2017 which is confirmed in Crl.A.No.110 of 2017 on the file of the Learned II Additional District and Sessions Court, Tiruchirappalli dated 10.08.2022 and set aside the same and acquit the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VENKATESH S, Advocate for the petitioner and of and of none appeared for the respondents either in person or through by an advocate on behalf of the Respondent, while admitting the Crl.R.C., the court made the following order:-

The petitioner seeks for suspension of the substantive sentence of imprisonment imposed on him in Crl.A.No.110 of 2017, dated 10.08.2022, by the learned II Additional District and Sessions Judge, Tiruchirappalli, confirming the conviction and sentence of imprisonment imposed by the learned Judicial Magistrate No.6, Tiruchirappalli, in S.T.C.No.1969 of 2012 by the judgment dated 26.10.2017.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted and sentenced by the trial Court, to undergo simple Imprisonment, for a period of one year and to pay a compensation of Rs.8,00,000/-, in default to undergo



simple imprisonment for a period three months, for the offence under Section 138 of Negotiable Instruments Act.

3. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with the instant miscellaneous petition seeking suspension of sentence.

4. The learned counsel appearing for the petitioner submitted that the complainant failed to establish the source of income for lending the alleged amount to the petitioner and in this regard, there was no finding in the Judgments of the Court below. On the limited ground, he has preferred this revision and it is admitted.

5. In view of the above, the sentence imposed on the petitioner is suspended, pending disposal of the Criminal Revision Case, with the following conditions:-

1. The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.6, Tiruchirappalli.
2. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and
3. The petitioner shall appear before the trial Court daily at 10.30 a.m until further orders.

sd/-
01/12/2022

/ TRUE COPY /

05/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUCHIRAPPALLI.
2. THE JUDICIAL MAGISTRATE NO.6, TIRUCHIRAPPALLI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI DISTRICT.

+1 CC to M/s.S.VENKATESH, Advocate (SR-14305[I] dated 02/12/2022)

ORDER IN
CRL MP(MD) No.14879 of 2022
in
CRL.R.C.(MD) No.1185 of 2022
Date :01/12/2022

pnm

USK/SSS/SAR- /05.12.2022/2P/5C
<https://www.mhc.in.gov.in/pdfs>